



W.P(MD)No.26263 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)No.26263 of 2024

K.Vasantha

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

2.The Tahsildar,
Aathur Taluk Office,
Aathur,
Dindigul District.

3.Selvakani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass the final order on his enquiry proceedings in O.Mu.No.7226/2021/Aa4 dated 29.10.2021 based on the enquiry report submitted by the second respondent on the petitioner's representation dated 18.10.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.G.Gomathisankar



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For Respondents : Mr.A.Kannan
Additional Government Pleader
for R.1 & R.2

ORDER

The writ petition has been filed to direct the first respondent to pass the final order based on the enquiry report submitted by the second respondent, by considering the petitioner's representation dated 18.10.2021.

2.According to the petitioner, the petition mentioned properties originally belonged to his grandmother Muthammal. After the demise of his grandmother, the said properties were inherited by her legal heirs, namely, Subbaiah Gounder and Kandasamy Gounder / the petitioner's father who were in possession and enjoyment of the same without any partition between them. After the demise of the petitioner's father, the property was continued to be possessed and enjoyed by the petitioner, his mother and his sister along with his paternal uncle / Subbaiah Gounder. Subsequently, patta was changed in the name of the petitioner's paternal uncle and all the aforesaid persons continued to enjoy the properties commonly without partition. After the demise of the petitioner's paternal



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uncle, the properties devolved on the legal heirs of his paternal uncle and the legal heirs of the petitioner's father including the petitioner.

3. While so, the third respondent's husband viz., Gothandaraman, who was born through the first wife of the petitioner's paternal uncle, created forged death certificate and legal heirship certificate and executed a settlement deed in favour of his wife/third respondent for the entire property. Thereafter, joint patta was also issued to the third respondent along with the petitioner. The petitioner therefore gave a representation to the first respondent to cancel the patta in the name of the third respondent. Pursuant to the same enquiry was conducted by the second respondent and on completion of the enquiry, the second respondent sent a report to the first respondent. Having received the enquiry report from the second respondent, the first respondent did not pass any orders. Hence, the petitioner has approached the Court for the aforesaid relief.

4. Considering the limited relief sought for in the Writ Petition and without going into the merits of the case, there shall be a direction to the first respondent to pass final orders on the enquiry proceedings in



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O.Mu.No.7226/2021/Aa4 dated 29.10.2021 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after issuing notice to the third respondent.

5.This Writ Petition is disposed of accordingly. There shall be no order as to costs.

04.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

2.The Tahsildar,
Aathur Taluk Office,
Aathur,
Dindigul District.



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N.MALA, J.

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